

S/N 09/655,074



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

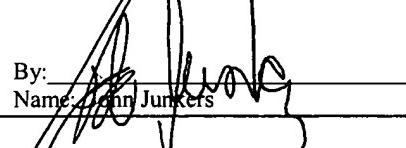
Applicant: NAKA ET AL. Examiner: L. ALEXANDER
Serial No.: 09/655,074 Group Art Unit: 1743
Filed: SEPTEMBER 5, 2000 Docket No.: 10873.164USC2
Title: DEVICE AND METHOD FOR ANALYZING A SAMPLE

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV322886801US

Date of Deposit: August 18, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

By: 
Name: John Junkers

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Arkray, Inc., a corporation organized and existing under the laws of the Country of Japan and having its primary place of business at 57, Nishiaketa-Cho, Higashikujo, Minami-Ku, Kyoto 601-8045, Japan, through the undersigned attorney of record, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/655,074, filed on September 5, 2000 and entitled DEVICE AND METHOD FOR ANALYZING A SAMPLE, by virtue of our assignment recorded at Reel 8539, Frame(s) 0139 and a change of name from Kyoto Daiichi Kagaku Co., Ltd. to Arkray, Inc. recorded at Reel 011474, Frame(s) 0420.

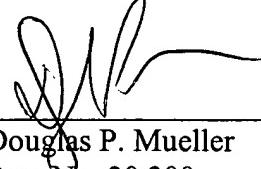
Petitioner, Arkray, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend

beyond the expiration date of the full statutory term of U.S. Patent No. 6,180,062 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,180,062, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,180,062, in the event that United States Patent No. 6,180,062 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300



Douglas P. Mueller
Reg. No. 30,300
DPM:PSTkaw

Date: August 18, 2003



THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, _____,
this terminal disclaimer is accepted. The period of patent lapse specified above has been
accepted as equivalent to _____ months.

Petitions Examiner

